



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO. : 10/561,409 CONFIRMATION NO.: 1090  
APPLICANT : Smyth, Larry C.  
FILED : December 16, 2005,  
ART UNIT : 3726  
  
DOCKET NO : 138/12US  
CUSTOMER NO : 36829

## **REFUND REQUEST**

**DEPOSIT ACCOUNT NO: 50-2716**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir and Madam:

The above-referenced patent application was filed with the executed Declaration of Inventor and the United States Patent and Trademark Office acknowledges that this document was received on December 16, 2005, as shown on the "Notice of Acceptance of Application Under 35 U.S.C. 371" attached hereto as Exhibit A. The Patent Office also confirms timely receipt of the executed Declaration of Inventor on the "Decision of Petition Under 37 C.F.R. 1.137(b)" as shown in Exhibit B, attached hereto. However, it is obvious to the undersigned that its Deposit Account No. 01-0265 was charged \$65.00 to cover the charge for a late filing of the Declaration shown as fee code "2617".

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on: March 16, 2007.

Michelle H Keane March 16, 2007  
Michelle H. Keane Date

Therefore, please credit my Deposit Account No. 50-2716 in the amount of \$65.00  
as a refund toward the late Declaration fee. If you have any questions, please contact me.

Respectfully submitted,



Jeffrey J. Schwartz  
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Reg. No. 37,532

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IAP6 Rec'd PCT/PTO 19 MAR 2007

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EXHIBIT A

## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/561,409	Larry C. Smyth	138/12US

INTERNATIONAL APPLICATION NO.

PCT/US04/18082

I.A. FILING DATE	PRIORITY DATE
06/08/2004	06/09/2003

36829  
SCHWARTZ LAW FIRM, P.C.  
6100 FAIRVIEW ROAD  
SUITE 11350  
CHARLOTTE, NC 28210

CONFIRMATION NO. 1090

371 ACCEPTANCE LETTER



\*OC000000022074340\*

Date Mailed: 01/22/2007

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

12/16/200512/16/2005

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS      DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Indication of Small Entity Status
- Copy of the International Application filed on 12/16/2005
- Copy of the International Search Report filed on 12/16/2005
- Information Disclosure Statements filed on 12/16/2005
- Oath or Declaration filed on 12/16/2005
- Request for Immediate Examination filed on 12/16/2005
- U.S. Basic National Fees filed on 12/16/2005

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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ANITA D.JOHNSON

Telephone: (703) 308-9140 EXT 226

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)



UNITED STATES PATENT AND TRADEMARK OFFICE

EXHIBIT B

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

23 JAN 2006

SCHWARTZ LAW FIRM, P.C.  
6100 FAIRVIEW ROAD  
SUITE 530  
CHARLOTTE NC 28210

In re Application of

SMYTH

Application No.: 10/561,409

DECISION ON

PCT No.: PCT/US04/18082

PETITION UNDER

Int. Filing Date: 08 June 2004

37 CFR 1.137(b)

Priority Date: 09 June 2003

Attorney Docket No.: 138/12US

For: METHOD FOR MAKING A VEHICLE WHEEL  
FOR SUBSEQUENT IDENTIFICATION AND  
TRACKING

This decision is in response to applicants' submission filed 16 December 2005.

**BACKGROUND**

On 08 June 2004, applicants filed international application PCT/US04/18082 which designated the U.S. and claimed a priority date of 09 June 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 23 December 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 December 2005.

On 16 December 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of the inventor, an assertion of small entity status, and a petition under 37 CFR 1.137(b) to revive the application.

**DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

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JAN 25 2006

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As to item (1), applicant submitted the basic national fee on 16 December 2005.

As to item (2), applicant submitted the petition fee on 16 December 2005.

As to item (3), the required statement has been provided.

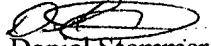
A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

**CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



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